

REMARKS

I. INTRODUCTION

Claims 2, 4-13, 15-17, 22, 24-25, 29, 31-40, 42-44, 49, 51, 52, 56, 58-67, 69-71, 76, 78, and 79 are pending. Claims 2, 11, 22, 24, 29, 38, 49, 51, 56, 65, 76, and 78 are independent claims. Claim 49 is amended herein to correct an informality in the claim. Claims 2, 11, 22, 24, 56, 58-67, 69, 71, 76, 78, and 79 are amended to address certain rejections made under 35 U.S.C. §§ 101 and/or 112.

In the Office Action, claims 2, 4-13, 15-17, 22, and 24-25, 56, 58-67, 69-71, 76, and 78-79 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Further, claims 2, 4-13, 15-17, 22, 24-25, 56, 58-67, 76, and 78-79 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

In view of the following arguments, all claims are believed to be in condition for allowance over the references of record. Therefore, this response is believed to be a complete response to the Final Office Action.¹ Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

II. SECTION 112 REJECTIONS

A. Claims 2, 4-13, 15-17, 22, and 24-25

The Examiner asserted that the phrase “a computing device programmed” was “not clear . . . in the context of the claim language.” This phrase has been removed from the claims. Therefore, the Section 112 rejection of claims 2, 4-13, 15-17, 22, and 24-25 should be withdrawn.

¹. As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

B. Claims 56, 58-67, 69-71, 76, and 78-79

The Examiner asserted that the phrase “tangible computer-readable medium” was unclear as recited in the claims. The word “tangible” has been deleted from the claims. Therefore, the Section 112 rejection of claims 56, 58-67, 69-71, 76, and 78-79 should be withdrawn.

III. SECTION 101 REJECTIONS

A. Claims 2, 4-13, 15-17, 22, and 24-25

The Examiner asserted that the “recitation of the machine in the preamble with an absence of a machine in the body of the claims fails to make the claim statutory under 35 USC 101.” (Emphasis omitted.) The independent claims have been clarified to recite a computer in the body of the claims. Therefore, the Section 101 rejection of claims 2, 4-13, 15-17, 22, and 24-25 should be withdrawn.

B. Claims 56, 58-67, 69-71, 76, and 78-79

The Examiner asserted that “computer media” as recited in the claims could include “a form of energy, such as carrier” waves, and thus was non-statutory under Section 101. The independent claims have been clarified to recite that the computer-readable medium “is configured to be operatively coupled to a computer and . . . is not embodied as a propagating signal or other form of energy.” Thus, the claimed computer-readable medium is a physical medium that falls within the scope of Section 101 as interpreted by the Office. Therefore, the Section 101 rejection of claims 56, 58-67, 69-71, 76, and 78-79 should be withdrawn.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue.

It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 65632-0210. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

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